

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTIONJOHN ELIAS BALDACCI
GOVERNORDAVID P. LITTELL
COMMISSIONER

August 5, 2010

Mr. H. Curtis Spalding, Regional Administrator
EPA-New England, Region 1
5 Post Office Square, Suite 100
Boston, Mass. 02109-3912

Dear Mr. Spalding:

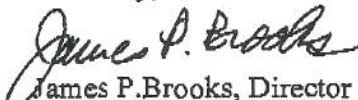
This letter is to inform you that the Maine Department of Environmental Protection, Bureau of Air Quality (BAQ) has the statutory and regulatory authority to implement PSD and Title V permitting for greenhouse gases.

Maine's Statutory authority to regulate CO₂ is provided in 38 MRSA § 582 (Definitions) and § 590 (Licensing). Greenhouse gases are within the broad and inclusive statutory definition of "air contaminant" set forth in 38 MRSA § 582(1). Additional regulatory authority is found in Chapter 100, Definitions Regulation, Section 137, Regulated pollutant. Under subsection G, a Regulated pollutant means "Any pollutant for which a regulation or standard has been adopted by the Maine Board of Environmental Protection; or..." The Maine Board of Environmental Protection previously adopted Chapter 137, Emissions Statement, which requires reporting of CO₂ emissions and Chapter 156, CO₂ Budget Trading Program which implements the Regional Greenhouse Gas Initiative, thereby causing CO₂ to be classified as a regulated pollutant.

The BAQ recognizes certain regulatory changes will likely be appropriate to fully implement the Tailoring Rule, such as revising the Chapter 100 definitions of Significant Emissions and Significant Emissions Increase. We anticipate that the necessary regulatory changes will be adopted before January 2, 2011.

If you or your staff has any questions feel free to contact me at (207) 287-7044.

Sincerely,


James P. Brooks, Director
Bureau of Air Quality
Maine DEP

Cc: Jerry Reid, Office of Attorney General

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